

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION
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Date:	Wednesday, Sep 4, 2002	Time:	12:00 PM	Place:	Matheson Courthouse Conference Rm W19B&C
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Members Present	Rep. Cindy Beshear, Judge Judith Billings, Paul Boyden, Dan Maldonado subbing for Blake Chard, Judge Terry Christiansen, Mary S. Corporon, K.S. Cornaby, Marlene Gonzalez, John Hill, Ed McConkie, G. Fred Metos, Joel Millard, Chris Mitchell for Mike Chabries, John T. Nielsen, Michael Sibbett, Kirk Torgenson, Russ Van Vleet, Judge Robert S. Yeates
Members Excused	David Bateman, Dr. Judy Engen, Elizabeth Lindsley, Judge David Mower, Chief Ed Rhoades, Judge Sterling Sainsbury, Sen. Terry R. Spencer, Sen. Alicia Suazo, Rep. Mike Thompson
Staff	Ron Gordon, Mike Haddon, Jo Lynn Kruse, David Walsh

Agenda Item:	Welcome and Approval of Minutes
Notes:	John T. Nielsen welcomed everyone. Mike Sibbett motioned to accept the April minutes. Ed McConkie seconded and it passed unanimously .

Agenda Item:	Recognition of Departing Members and Staff
Notes:	<p>The following were recognized for their service to the Commission:</p> <p>Ed McConkie served as the Director of the Sentencing Commission from 1994 until April 2002, being the second director of the commission until now.</p> <p>Steve Kelly of the Federal Probation Department, played an integral role in lending that unique perspective to the Sentencing Commission.</p> <p>Camille Anthony, former executive director of CCJJ. She has moved on to the Dept. of Administrative Services.</p> <p>John T. Nielsen, former member and chair of the Sentencing Commission. He has moved on to serve in the Arts Council.</p>

Agenda Item:	Welcome New Members
Notes:	<p>John T Nielsen introduced the following new members:</p> <p>Kay Cornaby, a practicing attorney and served 14 years in the legislature</p> <p>Ed McConkie who now serves as executive director of CCJJ</p> <p>Marlene Gonzalez is a staff attorney for the Multi-Cultural Legal Center and former president of the Utah Minority Bar Association</p> <p>Chief Ed Rhoades, could not be here today. He is Chief of Police in Heber City</p>

Agenda Item:	Election of Sentencing Commission Chair
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Notes:	John T. Nielsen opened nominations to elect a new chairperson for the Sentencing Commission. Mike Sibbett nominated Kay Cornaby, and Kirk Torgenson seconded . Kay Cornaby was unanimously elected. Introductions were made around the room. Guests included: Chylene Arben (Office of Legislative Research and General Counsel), Mark Field, Steve Golding, Bill Greer, Janetha Hancock (DHS), Creighton Horton (Attorney General's Office), Fraser Nelson (Disability Law Center), Vernon Stejskal (DHS), and Joan Watt (Legal Defenders).
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Agenda Item	Review of Draft Legislation to Respond to <i>Atkins v. Virginia</i>
Notes:	Kay Cornaby turned the time over to Paul Boyden who gave an overview of <i>Atkins v. Virginia</i> , a U.S. Supreme Court decision declaring that executing a mentally retarded defendant constitutes cruel and unusual punishment under the 8 th Amendment. Paul also explained the history of this issue in Utah. Creighton Horton then discussed Sentencing Amendments in Capital Cases, proposed legislation, which responds to <i>Atkins v. Virginia</i> , in detail with particular attention placed on the proposed definition of "mentally retarded" for purposes of exclusion from the death penalty. Commission members discussed this proposed definition and the burden of proof for establishing mental retardation at length. Fred Metos motioned that the chairman appoint a committee to further review the proposed legislation.. That committee will make a presentation at the next meeting in October. The motion passed unanimously .

The next meeting is scheduled for Wednesday, October 9, 2002 at noon, Matheson Courthouse, Conference Room W 19A

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ